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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JIMMY CORONEL ROSENDO,

Defendant and Appellant.

B207505

(Los Angeles County Super. Ct.
No. VA095018)

APPEAL from a judgment of the Superior Court of Los Angeles County, Yvonne T. Sanchez, Judge. Affirmed.

California Appellate Project, Jonathan B. Steiner and Maria Morrison, under appointments by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Pamela C. Hamanaka, Senior Assistant Attorney General, Susan Sullivan Pithey, Deputy Attorney General, for Plaintiff and Respondent.

Defendant and appellant Jimmy Coronel Rosendo was charged by information with 14 counts of home invasion robbery occurring on January 15, 2006, in violation of Penal Code section 211.¹ Each count also alleged that a principal was armed with a firearm (§ 12022, subd. (a)(1)) and that defendant personally used a firearm (§ 12022.53, subd. (b).) Pursuant to an agreed upon disposition calling for a 13-year term in state prison, defendant entered a plea of no contest to one count of home invasion robbery and admitted the personal use of a firearm in the commission of the robbery.

On April 16, 2008, after a substitution of counsel, defendant moved to withdraw his plea. After consideration of the argument of counsel, the trial court denied the motion. The negotiated sentence of 13 years in state prison was imposed. The court awarded defendant 563 days of credit for time served, plus 84 days of good time/work time credit, for a total of 647 days.

Defendant filed a notice of appeal from the judgment and sentence, without obtaining a certificate of probable cause pursuant to section 1237.5. Defendant was granted leave from default to file a late certificate of probable cause and also leave to amend the notice of appeal.

We appointed counsel to represent defendant on appeal. Appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, raising no issues and requesting this court to conduct an independent review of the record. Following our review of the record, we asked the parties to address whether defendant was eligible for the 647 days of presentence credit, or any part thereof.

Counsel for defendant and the Attorney General filed letter briefs, agreeing that defendant was entitled to the credits awarded, and we are satisfied the award of custody credits was correct. We have examined the record for any additional arguable issues, and

¹ All statutory references in this opinion are to the Penal Code.

finding none, the judgment is affirmed. (*Smith v. Robbins* (2000) 528 U.S. 259, 265-266.)

KRIEGLER, J.

We concur:

TURNER, P. J.

ARMSTRONG, J.